

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF NEW YORK

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V.W., a minor, by and through his parent :  
and natural guardian DERECK WILLIAMS; :  
R.C., a minor, by and through his parent and :  
natural guardian SANDRA CHAMBERS; : 16-CV-1150 (DNH) (DEP)  
C.I., a minor, by and through his parent and :  
natural guardian VERTELL PENDARVIS; :  
M.R., a minor, by and through his parent and :  
natural guardian KAREN RAYMOND; :  
F.K., a minor, by and through his parent and :  
natural guardian KASHINDE :  
KABAGWIRA; and J.P., a minor, by and :  
through his parent and natural guardian :  
ALISSA QUIÑONES; on behalf of :  
themselves and all others similarly situated, :  
:  
Plaintiffs, :  
:  
v. :  
:  
EUGENE CONWAY, Onondaga County Sheriff, :  
in his official capacity; ESTEBAN GONZALEZ, :  
Chief Custody Deputy of the Onondaga County :  
Justice Center, in his official capacity; KEVIN M. :  
BRISSON, Assistant Chief Custody Deputy, in :  
his official capacity; and SYRACUSE CITY :  
SCHOOL DISTRICT, :  
:  
Defendants. :  
-----X

**NOTICE OF PLAINTIFFS' MOTION FOR CLASS CERTIFICATION**

PLEASE TAKE NOTICE that Plaintiffs will move this Court at Alexander Pirnie Federal Building, 10 Broad Street, Utica, NY 13501 on October 28, 2016 at 10:00 AM, or as soon thereafter as counsel may be heard, for an order pursuant to Rule 23 of the Federal Rules of Civil Procedure certifying the following class and subclass, along with such other and further relief as this Court deems just and proper:

*Class:* All 16- and 17-year-olds who are now or will be incarcerated at the Onondaga County Justice Center.

*Subclass:* All 16- and 17-year-olds with disabilities, as defined by the Individuals with Disabilities Education Act, who are now or will be incarcerated at the Onondaga County Justice Center, who are in need of special education and related services.

In support of this motion, Plaintiffs file the attached Memorandum of Law in Support of Motion for Class Certification, the Declaration of Louis Kraus dated September 19, 2016 and all the exhibits annexed thereto; the Declaration of Joshua Cotter, dated September 22, 2016 and all the exhibits annexed thereto; the Declaration of Emily Napier, dated September 22, 2016; and the Declaration of Michelle Shames, dated September 23, 2016. An Appendix of Exhibits and Attachments is annexed to this motion.

Respectfully submitted,

/s/

Mariko Hirose  
Mariana Kovel\*  
Aimee Krause Stewart\*\*  
Aadhithi Padmanabhan\*  
Philip Desgranges  
Christopher Dunn  
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\*Not yet admitted to N.D.N.Y.

\*\* Application for admission pro  
hac vice pending

DATED: September 23, 2016

*V.W. v. CONWAY*

**APPENDIX OF EXHIBITS AND ATTACHMENTS**

Memorandum of Law

Declaration of Expert Louis Kraus, M.D.

EXHIBIT A	Resume of Expert Louis Kraus, M.D.
EXHIBIT B	Documents Reviewed
EXHIBIT C	Publications Relied On
EXHIBIT D	American Academy of Child and Adolescent Psychiatry (AACAP) Report Re: Solitary Confinement of Juvenile Offenders, dated April 2012
EXHIBIT E	National Commission on Correctional Health Care (NCCHC) Position Statement Re: Solitary Confinement (Isolation)
EXHIBIT F	American Medical Association (AMA) Statement: "AMA Adopts New Policies to Improve Health of Nation at Interim Meeting," dated November 11, 2014
EXHIBIT G	United Nations General Assembly Rules for the Protection of Juveniles Deprived of their Liberty, dated December 14, 1990

Declaration of Plaintiffs' Counsel Joshua Cotter

EXHIBIT 1	Declaration of Plaintiff V.W. (Redacted)
EXHIBIT 2	Declaration of Plaintiff's parent and natural guardian Dereck Williams
EXHIBIT 3	Declaration of Plaintiff R.C. (Redacted)
EXHIBIT 4	Declaration of Plaintiff's parent and natural guardian Sandra Chambers
EXHIBIT 5	Declaration of Plaintiff C.I. (Redacted)
EXHIBIT 6	Declaration of Plaintiff's parent and natural guardian Vertell Pendarvis
EXHIBIT 7	Declaration of Plaintiff M.R. (Redacted)
EXHIBIT 8	Declaration of Plaintiff's parent and natural guardian Karen Raymond
EXHIBIT 9	Declaration of Plaintiff F.K. (Redacted)
EXHIBIT 10	Declaration of Plaintiff's parent and natural guardian Kashinde Kabagwira
EXHIBIT 11	Declaration of Plaintiff J.P. (Redacted)
EXHIBIT 12	Declaration of Plaintiff's parent and natural guardian Alissa Quiñones
EXHIBIT 13	Declaration of Putative Class Member A.M. (Redacted)
EXHIBIT 14	Declaration of Plaintiffs' counsel Christopher Dunn with Attached Resumes
EXHIBIT A	Resume of Plaintiffs' Counsel Christopher Dunn
EXHIBIT B	Resume of Plaintiffs' Counsel Philip Desgranges

	EXHIBIT C	Resume of Plaintiffs' Counsel Mariko Hirose
	EXHIBIT D	Resume of Plaintiffs' Counsel Mariana (Molly) Kovel
	EXHIBIT E	Resume of Plaintiffs' Counsel Aadhithi Padmanabhan
EXHIBIT 15	Declaration of Plaintiffs' counsel Samuel Young with Attached Resumes	
	EXHIBIT A	Resume of Plaintiffs' Counsel Samuel Young
	EXHIBIT B	Resume of Plaintiffs' Counsel Susan Young
	EXHIBIT C	Resume of Plaintiffs' Counsel Joshua Cotter
EXHIBIT 16	Onondaga County Sheriff's Office Description of the Custody Department	
EXHIBIT 17	New York State Commission of Correction 2015 Daily Population Count Reporting System Average Daily Counts for the Onondaga County Jail	
EXHIBIT 18	Onondaga County Sheriff's Office Description of the Housing Section	
EXHIBIT 19	February 2016 Inmate Handbook	
EXHIBIT 20	Onondaga County Sheriff's Office Written Directive Number CUS-023: Inmate Discipline, dated November 8, 2010	
EXHIBIT 21	Onondaga County Sheriff's Office Written Directive Number CUS-050: Segregation Housing, dated January 13, 2015	
EXHIBIT 22	Onondaga County Sheriff's Office Written Directive Number CUS-044: Inmate Recreation, dated May 8, 2011	
EXHIBIT 23	Onondaga County Sheriff's Office Written Directive Number CUS-027: Inmate Access to Telephones, dated April 4, 2014	
EXHIBIT 24	Onondaga County Sheriff's Office Written Directive Number CUS-047: Inmate Visitation, dated November 26, 2014	
EXHIBIT 25	Onondaga County Sheriff's Office Written Directive Number CUS-041: Educational and Vocational Programs, dated December 4, 2015	
EXHIBIT 26	Onondaga County Sheriff's Office Written Directive Number CUS-040: Inmate Labor and Industry Programs, dated September 1, 2010	
EXHIBIT 27	Onondaga County Sheriff's Office Written Directive Number CUS-045: Religious Services, dated November 24, 2009	
EXHIBIT 28	Onondaga County Sheriff's Office Written Directive Number CUS-021: Inmate Activities, dated September 6, 2009	
EXHIBIT 29	Cell Study Packets for Named Plaintiffs	
EXHIBIT 30	Meeting Minutes of the Onondaga County Legislature Ways & Means Committee – 2016 Budget Review of Public Safety Committee Departments, dated September 24, 2015	

- EXHIBIT 31 Onondaga County Justice Center Education of Incarcerated Youth Program Plan for the July 1, 2015 – June 30, 2016 School Year
- EXHIBIT 32 “Youth with Disabilities in the Correctional System: Prevalence Rates and Identification Issues”
- EXHIBIT 33 “Onondaga County considering less costly ways of handling surge of mentally ill inmates”
- EXHIBIT 34 Bureau of Justice Statistics Special Report: “Mental Health Problems of Prison and Jail Inmates”
- EXHIBIT 35 Statement of Interest of the United States of America submitted in *G.F. v. Contra Costa County*
- EXHIBIT 36 Letter from Plaintiffs’ counsel Joshua Cotter to Defendant Esteban Gonzalez Re: T.S. in Solitary Confinement, dated November 23, 2015 (Redacted)
- EXHIBIT 37 Letter from Defendant Esteban Gonzalez to Plaintiffs’ counsel Joshua Cotter Re: T.S. in Solitary Confinement, dated December 7, 2015 (Redacted)
- EXHIBIT 38 Verified Petition and Complaint for *T----- S----- v. Conway* (Redacted)
- EXHIBIT 39 Lowenstein Sandler LLP & Lowenstein Center for the Public Interest Report: *51-Jurisdiction Survey of Juvenile Solitary Confinement Rules in Juvenile Justice Systems*, dated October 2015

Declaration of Michelle Shames

Declaration of Emily NaPier